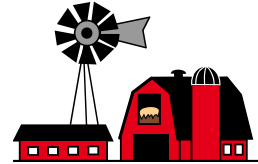




STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Lands Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



AGRICULTURAL LANDS PRESERVATION COMMISSION
Minutes of the Thursday, August 18, 2016 meeting DRAFT

COMMISSION MEMBERS PRESENT: Kevin Nelson, Everett Stuart, Martha Neale, Ken Ayars, Dave Wallace, Jon Reiner, Dianne Lynch

COMMISSION MEMBERS ABSENT: George Mason

STAFF: Michelle Sheehan – DEM, Lauren Farley – DEM, Attorney Susan Forcier – DEM, Joseph Bachand – NRCS

GUESTS: Larry Anderson, Little Compton Resident

The meeting was called to order at 4:05 at USDA, 60 Quaker Lane, Warwick, RI by Kevin Nelson, Vice Chair.

On a motion by M. Neale and a second by K. Ayars, the Commission voted unanimously to approve of the minutes of the meeting of 7/28/2016

Review of current ALPC budget:

M. Sheehan provided update on current budget. The current balance \$3,132,167.00. Current project commitments are \$172,000 to Andrews in Exeter, \$550,000 to Bailey, \$185,000 to Regnier/Fletcher Road, \$200,000 to Whaley Farm in South Kingstown, \$1,000,000 to Adams in Exeter, \$330,000 to Broadwall in Coventry, \$233,333 to Hibbad in Tiverton. Current overhead commitments (appraisals and survey) total \$85,000.

Status update of farms in negotiation:

Adams, Glen Rock Road, Exeter – M. Sheehan provided update. Potential funding partner 1772 Foundation conducted a site visit. They have a primary interest in farms dedicated to food production. Adams Farm is mostly in hay, although the operator of the farm, son of owner, is interested in diversifying to food production. A site visit with the Champlin Foundations is upcoming.

Sakonnet Vineyards, Main Road, Little Compton. Potential violation of Deed to Development Rights. Review of recent site visit by NRCS to evaluate soils. Discussion and possible action.

ALPC received report on August 18, 2016 from NRCS giving them little time to review findings. M. Sheehan reported that she was on site with Jim Turenne, NRCS soil scientist, the day of site visit and he did not observe much compaction or detrimental impact. NRCS will recommend voluntary actions including not mowing grass fields during the spring and fall. E. Stuart skimmed reports and observed that two methods were used to measure compaction, test pits and a penetrometer. Both methods revealed the same conclusion. Detailed pergola plans have not yet been received.

Review the ALPC Alternative Energy Policy. Discussion and possible action.

Farm Credit East will not be presenting to ALPC. Nothing in writing has been received from OER, nor has it been requested (in writing). Commission members acknowledged there are many different facets of the debate. Is producing solar power “farming” the sun as one would another crop? K. Nelson referred to definition of Agriculture in the Farmland Preservation Act. Solar production is not agriculture in its context, the natural use of the soil for food or fiber production. J. Reiner agreed; soil quality is heavily weighted in scoring criteria. D. Wallace mentioned many protected farms contain woodlots lacking quality soil. Property taxes are paid on unproductive land. The Commission contemplated policy based on case-by-case basis. D. Wallace reiterated point that solar production was not on anyone’s radar when DDR’s were negotiated. Farming practices have to be responsive to evolving conditions. Debt service and property tax can be covered with extra income from diversified income stream. Allowing solar gives farmers more leverage with banks; some lenders prefer to deal with farmers with solar potential. K. Ayars acknowledged that crafting renewable energy language into future DDR’s is an easier endeavor than amending those that have already closed. Much can be learned from 30 year program. It is also important to be mindful of the intentions of voters when they approved the bond funded program. Many may have viewed it as funding “scenic easements.” K. Nelson expressed need for clear guidelines in future policy. Guidelines could be based on energy produced percentage or specific number of acres. MA has recently passed similar legislation regarding the percentage of energy generated above on-farm use that can be sold. Local planning boards and tax assessors also have a role. Some may not approve industrial use on property zoned otherwise or tax panels as improvement to property. K. Nelson expressed the more pressing need to develop policy for already protected farms. Options include having DEM staff continue research or possibly developing smaller subcommittee. E. Stuart mentioned conflicting messages from solar developers about how much land is needed to make solar operation financially feasible. Perhaps OER could weigh in. M. Sheehan said that all states are dealing with new pressure. No state policies are online, making research difficult. CT does not allow. NJ and MD recently allowed any renewable by right on protected farms in new legislation. VT allows only for on-farm generation. Larry Anderson, Little Compton resident and meeting guest asked to share his thoughts. Public and political support based on public funding. Farms are intensifying other uses, like entertainment. If solar panels began to appear on road, many people will be concerned about scenic views. The Town of LC does not allow solar panels, for example. But political support for a policy may not always complement neighbor’s wishes. M. Sheehan echoed Larry’s concern as she is a DEM staff member that deals with partner organizations. J. Reiner will consult an MD colleague about the results of new legislation. K. Nelson suggested DEM staff revise draft with a few options for alternative language. Action deferred.

West Wind Farm, Reservoir Road, North Smithfield. Request to install a temporary solar array on one acre of this protected farm. Discussion and possible action. Deferred

Simmons Farm, West Main Road, Middletown. Request to install a solar farm on 10 acres of this protected farm. Discussion and possible action. Deferred

Amendment policy. Update on development of the policy

M. Sheehan inquired how the Commission would like to develop policy procedurally. Chuck Allott of Aquidneck Land Trust will address ALPC at Sept. meeting about ALT policy and legal considerations. E. Stuart asked if funding partners can weigh in as it would be useful to see their policies. Smaller land trusts will have more liberal policies. J. Reiner asked if ALPC can we

survey our partners; spending significant time developing policy would be moot if they're against provisions. The Commission asked DEM to survey funding partners.

Subdivision prohibition in the Deed to Development Rights. Discussion and possible action
M. Sheehan suggested this may be best to address after other policies resolved. Commission agreed.

Scoring New Applications:

Schartner, Route 2, North Kingstown and Exeter The farm was scored by the Commission and achieved an average score of 56. The minimum score for acceptance into the program is 35.

On a motion by K. Ayars and a second by D. Wallace, the Commission voted unanimously to accept the farm into the program.

Farmland Acquisition Program: brief update on progress with the Rules & Regulations

First workshop was held on August 17. Second meeting will be held on Sept 7th at a location to be determined in South County. Third workshop, likely in November, will be needed with to incorporate information and suggestions gleaned from earlier meetings. K. Ayars suggested that misinformation circulated prior to August meeting seems to be resolved. DEM and ALPC are committed to seeking input and developing sound policy. Notable grievance from workshop was related to a provision regarding consistency with state guide plan perceived to be in concert with controversial Rhode Map plan. Provision was added to draft regulations by Commerce Corporation to ensure farmland acquisition program did not compete with land slated by local and state authorities for commercial and industrial development.

NRCS Agricultural Conservation Easement Program: update on program

NRCS representatives did not attend meeting.

There being no further business, on a motion by D. Wallace, seconded by K. Ayars, the Commission voted unanimously to adjourn the meeting at 5:30.

Respectfully submitted by Lauren Farley